
Publish date:
10/30/2014

WQC number: 897-0587-WQC-1

Public Notice

Closing Date:
11/30/2014

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

**Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits**

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** ICG Hazard, LLC
Mailing Address: 3228 Summit Square Place Ste. 180
Lexington, KY 40509
Contact Person: Don Gibson
Telephone No: (606) 435-7722
E Mail Address: dgibson@pinebranchmining.com

2. **Consultant Name & Address:** Brandy Case, Summit Engineering, Inc.
3205 Summit Square Place, Lexington, KY 40509

Telephone No. (859) 264-9860 Ext. 115
E Mail Address: bcase@summit-engr.com

3. **Provide a brief description of the proposed activity and stream impact.**
See attached Block 3.

4. **Project Location Information:**

County Perry ; **USGS Quadrangle Name** Krypton

Dunraven & approximately 3.5 mi west

Nearest Community & Road Intersection: of the Sam Campbell and KY 15 intersection

Longitude 37°19'22" N **Latitude** 83°16'49"W (Approximate center of the project area)

5. **List the names of all streams affected by the proposed project:**
UT of Sam Campbell Branch.

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

UT of Sam Campbell Branch - 170 acres.

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

See attached Block 7.

8. Provide the acreage of wetlands that would be impacted: 0 acres

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

The project is approximately 3.5 miles west of the Sam Campbell Branch Road and KY 15 in the Krypton 7.5 minute quadrangle.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes ☒ No _____. If yes, indicate type of application:

NW 12 ____ NW 14 ____ NW 21 ____ NW 27 ____ NW 49 ____
NW 50 ____ Individual ☒

11. Provide the following permit numbers associated with this mining activity:
SMCRA Permit No. 897-0587 MI-1, KPDES No. KYG04506

12. The following attachments must be provided:

- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

A copy of the submitted 404 USACE application is attached. It is in reference to a 404 NWP

49. That application has been changed to an Individual Permit per the Corps request.

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:



, Date: 10/6/2014

If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601

BLOCK 3

ICG Hazard, LLC (ICG) is proposing to develop a new surface mining operation in Perry County, Kentucky, near Dunraven. The new surface mining project is pending under KDNR Permit No. 897-0587 MI-1. This project proposes area mining of the Hazard 7, Hazard 8, and Hazard 9 coal reserves situated along Roseanne Branch, Clear Fork, and unnamed tributaries of Grapevine Creek, as well as Abes Branch and unnamed tributaries of Sam Campbell Branch. The project proposed contour mining of the Hazard 5A coal reserves along unnamed tributaries of Sam Campbell Branch; however, the 5A seam (the lowest seam), will only be mined in a few areas where practicable and not in the entire proposed area.

The federal action being considered is the issuance of a Clean Water Act Section 404 Individual Permit by the U.S. Army Corps of Engineers (USACE) to authorize the placement of one hollow fill resulting from on-site excavation, a sediment control pond, drainage corridor, and one mine-through area within the waters of the United States. Impacts to waters of the United States more specifically include Hollow Fill 1, Pond 1, drainage corridor, pond maintenance area, and one mine-through impact area.

The Section 404(b)(1) Guidelines make a distinction between basic and overall project purpose (40 CFR 230.10(a)). For this project, the basic project purpose is defined as bituminous coal recovery. The overall project purpose, which is used as the basis for the alternatives analysis, is the recovery of the Hazard No. 5A, Hazard No. 7, Hazard No. 8, and Hazard No. 9 coal reserves along Roseanne Branch, Clear Fork, and unnamed tributaries of Grapevine Creek, as well as Abes Branch and unnamed tributaries of Sam Campbell Branch.

In order to mitigate for the impacts associated with this project, ICG proposes to submit an in-lieu fee payment to the Kentucky Department of Fish and Wildlife Resources Wetland and Stream Fee-in-Lieu-of (FILO) Mitigation Program, as well as the Troublesome Creek Environmental Authority. A total of \$1,310,463 will be paid in order to offset impacts to jurisdictional waters impacted by this project. Of this total, 25% (\$327,615) will be paid to the Troublesome Creek Environmental Authority.

The proposed construction date for the project is immediately upon issuance of all required federal and state authorizations. The expected life of the project is 5 years.

BLOCK 7

Structure	Permanent Impacts		Temporary Impacts	
	Intermittent (ft) (EIUs)	Ephemeral (ft) (EIUs)	Intermittent (ft) (EIUs)	Ephemeral (ft) (EIUs)
Pond SS-1	0	0	448	0
	0	0	246.4	0
Rock Check Dam	180	0	0	0
	99	0	0	0
Pond SS-1 Maintenance Area	0	0	261	0
	0	0	143.55	0
Hollow Fill #1	2,183	120	0	0
	1,200.65	66	0	0
Mine Through Impact 1 st Right of UT of Sam Campbell Branch	0	63	0	0
	0	34.65	0	0
TOTAL	2,363	183	709	0
	1,299.65	100.65	389.95	0
	2,546		709	
	1,400.3		389.95	
	3,255			
	1,790.25			